



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

March 20, 1939

Honorable T. M. Trimble
First Assistant State Superintendent
Austin, Texas:

Dear Sir:

Opinion No. 0-517

Re: Whether tuition may be paid
to other high schools for
children of employees of
State Training School for
Boys, to enable them to
attend other schools.

We are in receipt of your letter of March 15, 1939, where-
in you set forth the following facts:

"The State Training School for Boys, located at
Gatesville, Texas, is a regularly constituted school
district and offers education to the criminal inmates
of that institution. There are numbers of families who
have children in school. These families naturally do
not like the idea of sending their children to school
with these delinquent boys."

You request our opinion as to whether such pupils may at-
tend other accredited high schools and have their tuition paid out
of the State Equalization Fund.

Senate Bill No. 185, being the Rural Aid and Equalization
Fund Appropriation Bill for the current biennium, is Chapter 474,
found at page 1259 of the General and Special Laws of the 45th
Legislature, Regular Session. Section 10 thereof reads as follows:

"High School Tuition. It is hereby expressly pro-
vided that a sufficient amount of funds appropriated by
this Act shall be used for the payment of high school tui-
tion not to exceed Seven and 50/100 (\$7.50) Dollars per
pupil per month. High School tuition shall be paid ac-
cording to the provisions of House Bill No. 158, General

Laws, Regular Session, Forty-fourth Legislature, and subject to the limitation and restriction provided in Section 10 of this Act imposing tax obligations on sending district. Providing that the provisions of this Section shall not apply to granting of aid under terms of this Section for vocational education or crippled children. It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to outside high schools from the Waco State Home at Waco, and from the Alabama and Coushatta Indian Reservation near Livingston; provided the aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected thereby."

House Bill No. 158, General Laws, Regular Session, 44th Legislature, referred to in said Section 10, constitutes Article 29221 (1), Revised Civil Statutes, as amended, and a reading thereof discloses authority for the payment of tuition for a high school pupil who is transferred from one district to another on account of the fact that the grade to which such pupil has been promoted is not taught in the home district. We assume from your letter that the proper grades are taught in the Training School.

As the law is now written, there is no authority for the payment of tuition for the pupils you inquire about out of the State Equalization Fund, and your question must be answered in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

(SIGNED)

By

Glenn R. Lewis
Assistant

GRL:N

APPROVED

GERALD C. MANN (SIGNED)
ATTORNEY GENERAL OF TEXAS